

## PATENT

Patent App. Ser. No. 10/562,083

The Eclipse Group Docket No. H109037USU (P01040US)

**REMARKS**

Claims 1-8 and 12-21 are pending in this present application. Claims 9-11 are withdrawn from consideration and claims 1-8 and 12-21 stand rejected in the present application. In the June 5, 2009 Final Office Action, the Examiner:

1. Rejected claims 1-3, 5 and 9-12 under 35 U.S.C. § 102(b) as being anticipated by *Ohler et al.* (U.S. Patent No. 6,424,910); and
2. Rejected claims 4, 6-8 and 12-21 under 35 U.S.C. § 103(a) as being unpatentable over *Ohler et al.* (U.S. Patent No. 6,424,910) in view of *Saiki* (U.S. Patent No. 7,058,507).

Applicants are not amending any of the claims and are traversing the claim rejections. No new matter has been introduced. As to the rejections and objections, Applicants respectfully make the following remarks and comments.

**I. REJECTION OF CLAIMS 1-3, 5 AND 9-12 UNDER 35 U.S.C. § 102(b)**

Claims 1-3, 5 and 9-12 are rejected under 35 U.S.C. § 102(b) as being unpatentable over *Ohler et al.* (U.S. Patent No. 6,424,910). The Examiner in the June 5, 2009, Final Office Action, stated that:

...the second set of data including data representing a current position of the second navigation device, and second criteria for selecting a rendezvous position (col. 12, lines 44-67); identifying a rendezvous position based on the first criteria and the second criteria, where the rendezvous position is used for establishing a first route for the first navigation device to the rendezvous position and for establishing a second route for the second navigation device to the rendezvous position (Figures 2-4); notifying the first navigation device when the identified rendezvous position and the first route violate the first criteria; and notifying the second navigation device when the identified rendezvous position and the second route violates the second criteria.

But, what the *Ohler et al.* patent actually describes in Col. 12, line 44 – Col. 13, line 8 is:

In the embodiments described above, a user specified a type of location at which a meeting with another user was desired and

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provided data identifying the locations of both users. In the above embodiments, the user does not necessarily have to specify a time for the meeting with the other user. If the user did not specify a time for the meeting with the other user, the place search application assumes, by default, that the users would both leave for the meeting immediately. According to a further alternative embodiment, a user can specify a desired meeting time when specifying a type of place at which to meet the other user. Then, when a list of one or more places at which it would be convenient to meet is determined, the place search application takes the desired meeting time into account. For example, if the desired meeting time is during rush hour, there may be longer travel times on some roads. The longer travel times would not necessarily affect each user the same. Therefore, taking the desired meeting time into account may change which places are equally convenient for both users.

When a user indicates a desired meeting time when specifying a type of place at which a meeting with the other user is desired, the place search application may indicate recommended departure times for each user for each of the places that are convenient for both user. The place search application may use the route calculation application for this purpose. Alternatively, the place search application may indicate recommended departure times for each user for only the place that is selected. If the desired meeting time is too soon for any of the places on the list of places that are convenient for both users, the place search application includes an indication that the places are all too far away to be reached by the desired meeting time.

and the "embodiments described above" is further described in the *Ohler et al.* patent at Col. 12

lines 30-43:

As described in connection with some of the above alternatives, in response to a request from a user that specifies a type of location at which a meeting with another user is desired and that includes data identifying the locations of both users, the user receives a list identifying one or more places that would be convenient for both users to travel to. In any of these embodiments, the user may also be provided with information that indicates the estimated travel times for each user for each of the places on the list. If a selected place has a travel time for one of the users that is less than the travel time for the other user, the user with the shorter travel time

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can use this travel time information to plan to leave for the selected place at a correspondingly later time.

Thus, the *Ohler et al.* patent is describing a user that specifies a type of location at which a meeting with another user is desired and the meeting time. Thus, both criteria are coming from the same user. Also, if the "time is too soon for any of the places on the list of places...an indication that the places are all too far away to be reached by the desired meeting time" occurs. So, if all the places are too far away, there is no indication that a route has been selected.

What Applicants are claiming in independent claim 1, is "identifying a rendezvous position based on the first criteria and the second criteria, where the rendezvous position is used for establishing a first route for the first navigation device to the rendezvous position and for establishing a second route for the second navigation device to the rendezvous position; notifying the first navigation device when the identified rendezvous position and the first route violates the first criteria; and notifying the second navigation device when the identified rendezvous position and the second route violates the second criteria." This is not described or taught by in the *Ohler et al.* patent. The two criteria that are not met both come from the same user in the reference. Also, unlike the *Ohler et al.* patent where no route is identified, Applicants identify a rendezvous position and then notify the navigation device that has a violation of the criteria.

Therefore, Applicants submit that claims 1-8 and 12 are in condition for allowance because the *Ohler et al.* patent fails to describe or teach all of Applicants' claim limitation of independent claim 1. Claims 2-8 and 12 that depend from allowable claim 1 are also in condition for allowance because of their dependency from an allowable claim.

## II. REJECTION OF CLAIMS 4, 6-8 AND 12-21 UNDER 35 U.S.C. § 103(a)

Claims 4, 6-8 and 12-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ohler et al.* (U.S. Patent No. 6,424,910) in view of *Saiki* (U.S. Patent No. 7,058,507). For the reasons explained above, the *Ohler et al.* patent does not teach or describe all of the elements of independent claim 1 and claim 1 is in condition for allowance. Claims 4, 6-9 and 12 depend from allowable claim 1 and are also in condition for allowance.

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Claims 13 and 19 are independent claims, each have an element that requires position approval. Neither *Ohler et al. patent* or the *Saiki* patent teach or describe the approval element of independent claims 13 and 19. Therefore, independent claims 13 and 19 are in condition for allowance along with the dependent claims 14-18 and 20-21 that depend from allowable independent claims.

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**CONCLUSION**

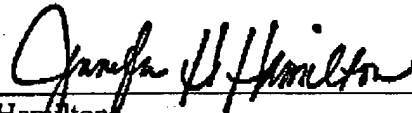
Favorable consideration is respectfully requested in view of the foregoing amendments and remarks.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Respectfully submitted,

Dated: \_\_\_\_\_

9/8/09



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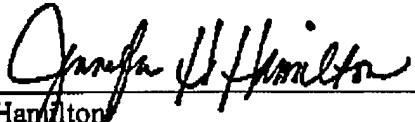
**CONCLUSION**

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